



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

"unmarried" female is not necessarily one never married, but includes widows and divorced women, especially in view of the use of the comprehensive word "female," which includes all unmarried women, whether spinsters, widows, or divorcees. The next question which presents itself then is, Is she a widow under the rule by which disappearance gives rise to a presumption of death? The court answers that the common-law presumption of death after a lapse of years is not sufficient in a criminal prosecution, and no conviction for crime should be had on mere suspicion or on a presumption of the existence of the fact for which there is no basis. Mere disappearance does not give rise to the presumption of death, and where, as in this case, the husband of the prosecutrix left supposedly with another woman, it can hardly be expected that he would make his whereabouts known to any one. The complaint is dismissed, and defendant ordered discharged.

---

**Injury from Being Hit by a "Foul Ball."**—Upon the coming of the first harbingers of spring, to review a baseball case should not be amiss. In *Crane v. Kansas City Baseball & Exhibition Co.*, 153 Southwestern Reporter, 1076, plaintiff sues the owners of a baseball park for certain injuries. Plaintiff attended a game as a spectator and paid for admission to the grand stand. Reserved seats were not sold, and he had the option of seating himself at some place behind the netting or in an unprotected seat. He chose one of the latter, and during the progress of the game was struck by a foul ball and injured. His claim is that defendants were negligent in not screening in the whole of the grand stand, and that such negligence was the proximate cause of his injury. The Kansas City Court of Appeals holds that defendants were not insurers of the safety of spectators, but were only bound to exercise reasonable care, and that they fully performed that duty when they provided screened seats in the grand stand and gave plaintiff the opportunity of occupying one of those seats. Plaintiff voluntarily chose an unprotected seat and thereby assumed the ordinary risks of such position. The following, quoted from the opinion, is of interest as showing the court's conception of a baseball game: "The object of the batter is to 'make a hit,' and to do so he must strike a pitched ball and send it to some point inside the foul lines. The object of the pitcher is to prevent the batter from making a safe hit, and such object is aided by a foul hit, which cannot help and may count against the batter." Judgment went for defendants.

---

**Legality of Sale of Property to Colored Persons.**—The right of one owning real estate to sell the same to colored persons comes up in *Holbrook v. Morrison*, 100 Northeastern Reporter, 1111. Complain-